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March 20, 2024

Mr. Eric Garcia
Albuquerque Police Department
400 Roma Ave NW
Albuquerque, NM 87102

RE: IMO Joshua Montano, Officer; I-2024-000031 aka I-31-24 and I-2024-000211

Dear Mr. Garcia:

Please accept this letter as notice that Ofc. Montano will not be appearing in person at today's PDH setting. Instead, attached to this letter is Ofc. Montano's written statement in response to your March 4, 2024, Pre-Determination Hearing Notice. Please incorporate that letter and this correspondence into the record of the above reference cases.

Chief Harold Medina has made numerous public statements concerning APD's knowledge of the FBI's investigation of various APD personnel and made commitments to complete parallel investigations. However, as is evident in the investigations of Ofc. Montano, the department responded to the FBI's inquiries in a manner that is haphazard at best and artificial at worst.

Despite wanting to disclose to APD his knowledge of how widespread the issues of concern to the FBI are, how far up the supervisory chain they go, and other personnel they involve, Ofc. Montano could not provide such a statement because of the myriad of deficiencies APD plagued its investigations of him, and presumably others, with. From procedural errors concerning notice requirements to police officers, to timeline violations by APD, it seems at every turn, the department could not follow basic practices for internal affairs investigations. *See* NMSA 1978, § 29-14-4(C)(2). As further example of these issues, is the fact that on March 11, 2024, Ofc. Montano was issued a target letter concerning an IA investigation of him based on allegations received by the City on April 17, 2023, that APD apparently sat on and took no action upon. With that investigation commencing nearly a year *after* the CPC was submitted, the investigation fails to comply with timeline requirements detailed in the CBA between the City and the APOA. *See* Section 10.1.16.2 of the APOA-CABQ CBA. Even more startling was Chief Medina's own February 2, 2024, statements regarding the internal affairs investigations where he confirmed the outcomes were obviously predetermined:

[W]e will ensure that any officer or any personnel belonging to the city of Albuquerque that was either involved in any part of this scheme or knew about it and didn't report it, will be held accountable.

Finally, the department has failed to provide Ofc. Montano with any ability to address the allegations presented against him despite clear statutory obligations to provide public records to him. On February 7, 2024, through this office, Ofc. Montano submitted an IPRA request seeking the following public records:

Classification: FOUO Confidential

Sent by: USPS Hand Delivery

Fax: _____

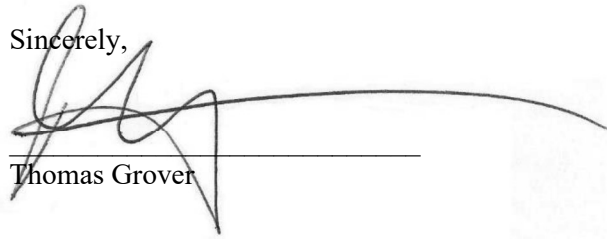
Email: ericgarcia@cabq.gov

1. The APD personnel files for Eric Garcia, Superintendent of Police Reform.
2. Public records, including but not limited to memos, emails, text messages, exhibits, and multimedia recordings regarding, case number I-2024-000031 aka I-31-24.
3. All correspondence records including, but not limited to memos, emails, text messages, and those required by APD SOP 3-41-6(D)(1), between APD Chief of Police Harold Medina, the Executive Director of Police Reform, or their designee, and personnel from the United States Attorney's Office for the District of New Mexico regarding:
 - a. I-2024-000031 aka I-31-24; and
 - b. Allegations of criminal conduct by Ofc. Joshua Montano.
4. All correspondence records including, but not limited to memos, emails, text messages, and those required by APD SOP 3-41-6(D)(1), between APD Chief of Police Harold Medina, the Executive Director of Police Reform, or their designee, and personnel from the Federal Bureau of Investigation for the Albuquerque Field Office regarding:
5. Public records, including but not limited to memos, emails, and text messages, that are the complaints which led to the opening of case number I-2024-000031 aka I-31-24.
6. Ofc. Joshua Montano's APD personnel file.

As of the date of this letter, the City has not produced a single page of any records responsive to the above request.

Thank you for your attention to this correspondence and the attached letter by Ofc. Montano. Please contact me via email at thomas@grover-law.com if you have any questions regarding the issues raised in this letter.

Sincerely,



Thomas Grover

cc: lrosebrough@cabq.gov
File

Date: March 20, 2024
From: Joshua Montano
To: Eric Garcia, Police Reform Superintendent
RE: PDH Written Statement for March 4, 2024, PDH Letter

Dear Mr. Garcia:

Please accept this letter as my written statement to provide information as requested in your March 4, 2024, Pre-Determination Hearing Notice.

I have served the citizens of the City of Albuquerque beginning in 2005 as a Police Service Aide. I became an APD officer in 2007. I fell in love with this department at the young age of 18. It was the best and most accomplishing thing I had done in my life. There aren't enough words to describe all of the great and amazing things I have been able to provide to the citizens of this city over the course of my career. During my time as an Officer, I have risked my life on numerous occasions for the safety of others, just like all of the great officers on this department. In 2022 I was nearly killed when I was struck and severely injured by a reckless driver who was impaired by alcohol. It was one of the most difficult challenges of my life and career. All glory to God that I recovered from my injuries and was cleared to come back to work. Yet, I know nothing other than law enforcement and love being a police officer. As you know from your time with APD, police officers get to see the worst of people day after day but every now and then, we get to see the best of people as well and that makes it easy to gear up and report to work each day.

Unfortunately, following that collision while I was injured and suffering not just from physical pain and anguish, I found myself all but abandoned by the department. I say "all but" because I did find comfort and support from my colleagues in APD's DWI Unit. They were my family because they cared for me when others didn't and they supported me when others wouldn't. However, that support came with a high price and on January 18, 2024, I found out what the cost of that support really meant.

When I was put on administrative leave, I thought there would be an opportunity for me to talk to the department about what I knew regarding the FBI's investigation. I thought there would be a time where I could disclose what I knew from within APD and how the issues I let myself get caught up in within the DWI Unit were generational. I thought there would be a time where I could talk about all the other people who should be on administrative leave as well, but aren't.

That opportunity was denied to me though. As I know my lawyer has explained in all his letters to the City, in order for me to talk to the City about what I knew, I needed to not be the City's scapegoat for its own failures. Instead, Chief Medina has made it seem like there are just a few bad officers acting on their own. This is far from the truth. None of allegations against myself or others in the DWI Unit happened without supervisory knowledge. And they didn't just happen over a few years ago. From my time as a P2/C, officers all know that our attendance, or non-attendance, at Court is watched over and monitored.

I take responsibility for my actions. However, APD's investigations of me have been unfair, and because of Chief Medina's public statements, the outcome of these investigations is already set. Therefore, I have no choice but to hereby resign from my position with APD. As I mentioned at the beginning of this letter, I fell in love with this department nearly 19 years ago and this is such a difficult moment for me. I do not waive any of my earned and accrued sick, vacation, or comp time and respectfully request that I be out-processed as any other employee would be upon resigning from the department.

Respectfully,



Joshua Montano, Officer